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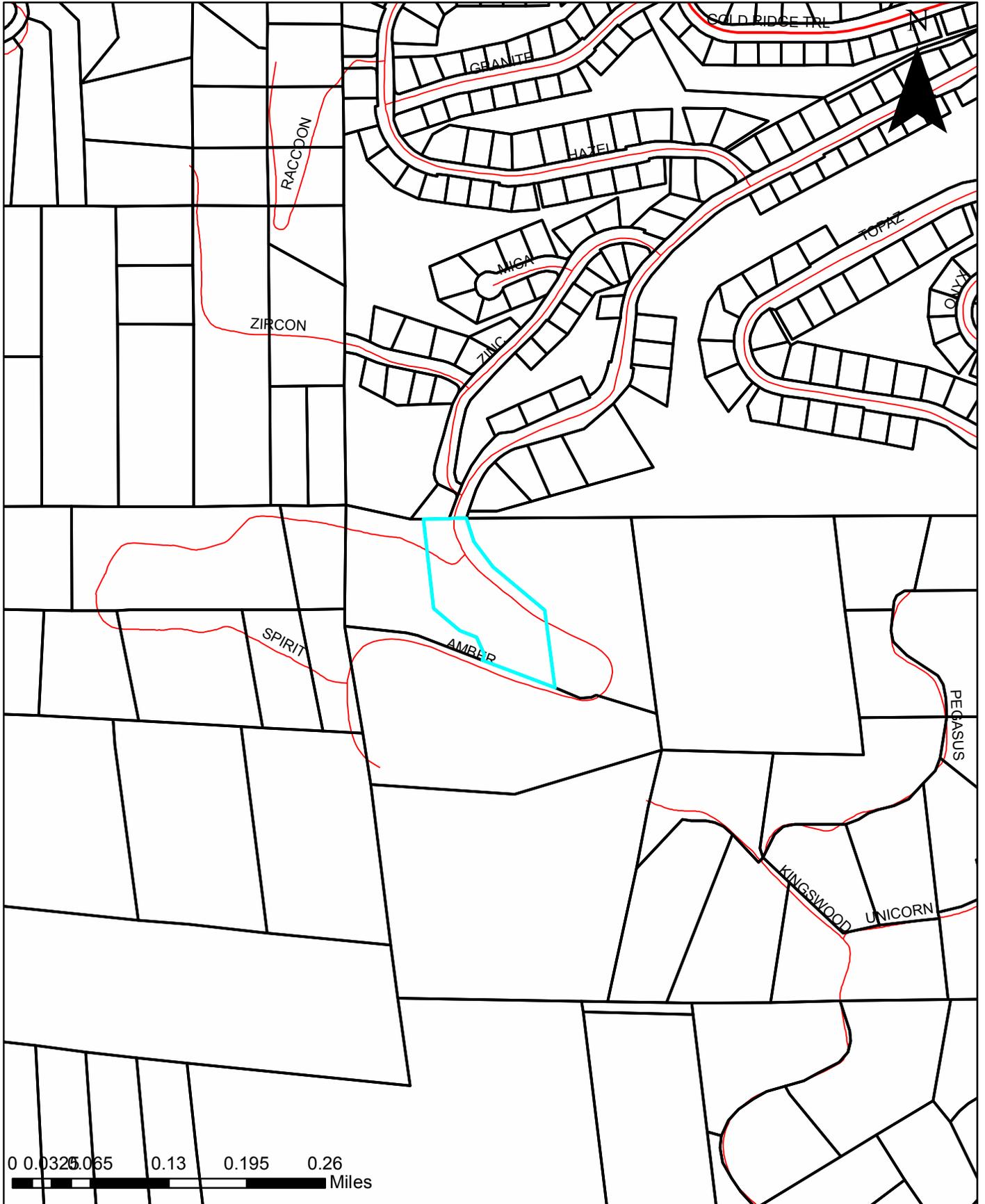
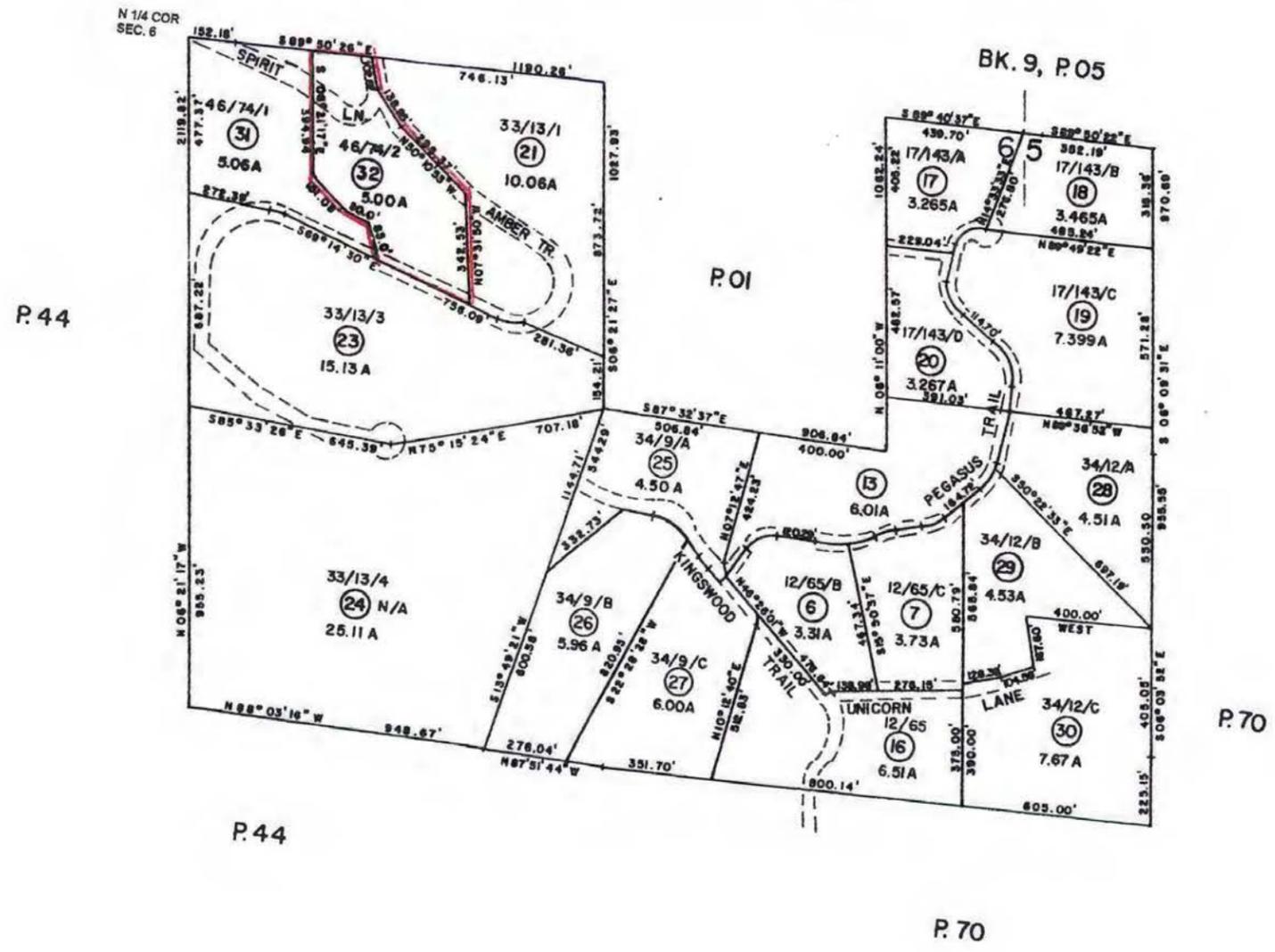
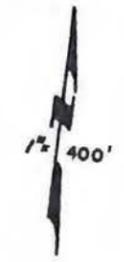


Exhibit A-Location Map

POR. SEC'S 5 & 6, T.10N., R.13E., M.D.M.



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P.44

P.70

P.70

Exhibit B

NOTE - Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

Rev. 2013

Assessor's Map Bk. 42 - Pg. 69  
County of El Dorado, California

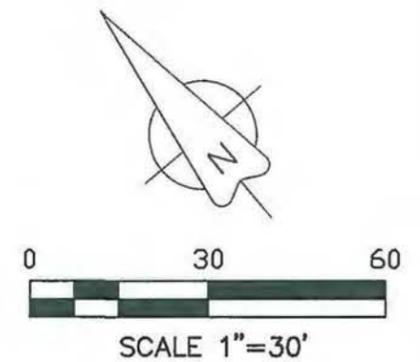
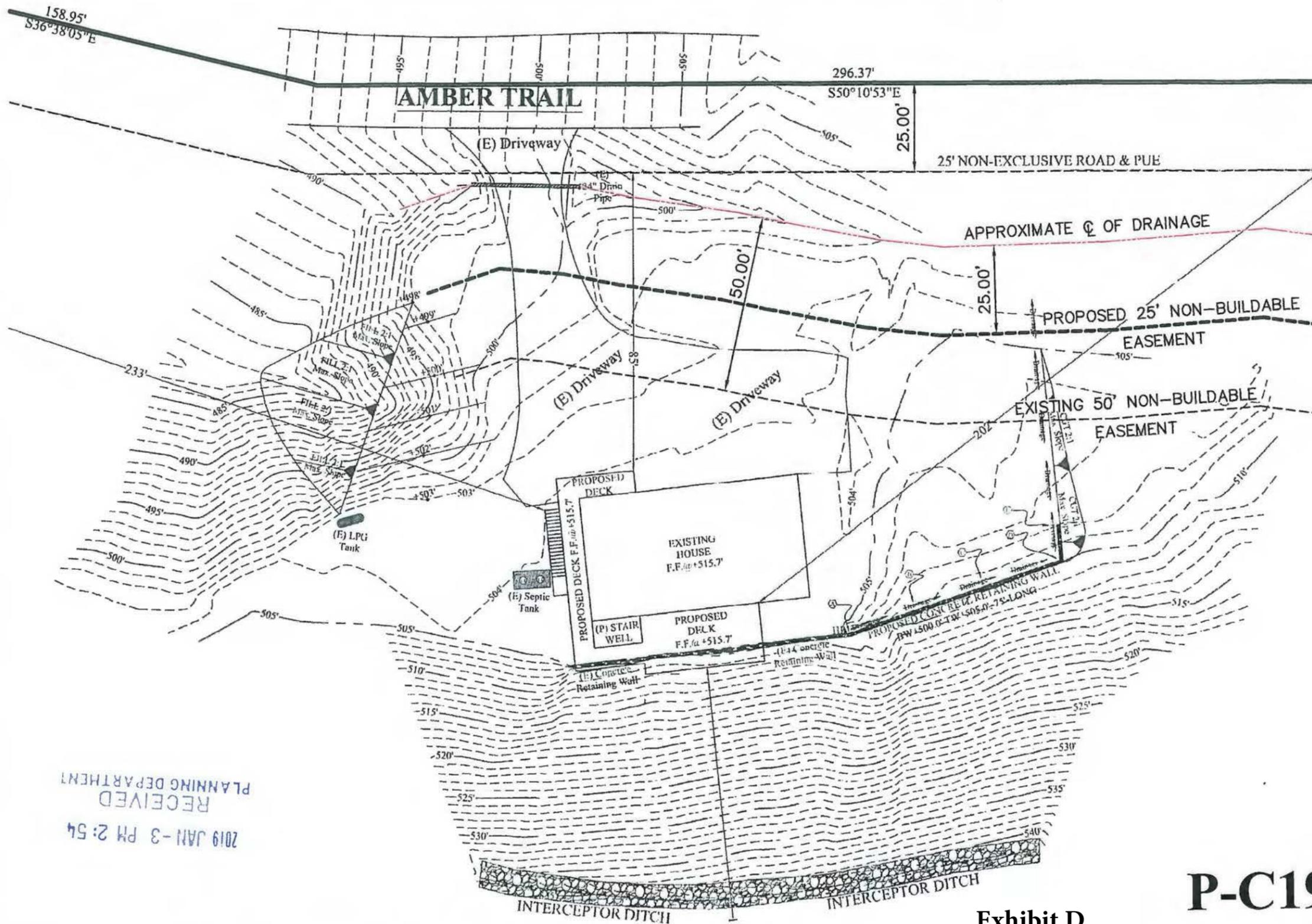
P-C19-0001



# FIGURE 3

## EXISTING 50' NON-BUILDABLE EASEMENT AND PROPOSED 25' NON-BUILDABLE EASEMENT

APN: 042-690-32  
BEING PARCEL 2 OF PM 46/74



NOTE:  
THIS MAP IS BASED UPON A  
SITE PLOT PLAN BY TOPOGRAPHICS  
AND SIGNED BY JOSEPH YOUNG  
RCE 23525 PROVIDED BY SNOWLINE  
CONSTRUCTION.

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### P-C19-0001

Exhibit D

**LEGEND**

- DIMENSION POINT-NOTHING FOUND OR SET  
SET 3/4" C.I.P. STAMPED L.S. 4663
- FOUND 3/4" C.I.P. STAMPED L.S. 3012, 1984
- FOUND U.S.G.L.O. BRASS CAP STAMPED  
1934-ACCEPTED AS SECTION CORNER
- ◆ FOUND 1/2" C.I.P. STAMPED L.S. 3012, 1984  
ACCEPTED AS QUARTER CORNER

**BASIS OF BEARINGS**

THE MERIDIAN OF THIS SURVEY IS IDENTICAL TO THE MERIDIAN OF PARCEL MAP 33-13

**REFERENCES**

PM 33-13 PM 13-9  
SUB E-51 RS 10-23

**NOTES**

- 1) REFER TO BOOK 5029 PAGE 354 FOR THE CONSENT OF ALL PARTIES HAVING RECORD TITLE INTEREST.
- 2) REFER TO BOOK 5029 PAGE 359 FOR NOTICE OF RESTRICTION.

# Parcel Map

A Portion of the East 1/2 of Sec. 6,  
T 10 N, R 13 E, M.D.M. Being Parcel 2 of PM 33-13

COUNTY of EL DORADO STATE of CALIFORNIA  
JULY, 1997 SCALE 1"=100'  
SHEET 1 of 1

**CARLTON ENGINEERING INC.**

**SURVEYOR'S STATEMENT**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF **PIERRE E. BASHE, TRUSTEE** ON **APRIL 12, 1997**. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY, WITHIN THE MEANING OF EL DORADO COUNTY ORDINANCE CODE SECTION 16.52.000 (B). ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



*James C. Willson*  
JAMES C. WILLSON L.S. 4663  
LICENSE EXPIRATION DATE: 9-30-98

**COUNTY SURVEYOR'S STATEMENT**

I HEREBY STATE THAT I HAVE EXAMINED THIS PARCEL MAP AND FIND IT TO BE SUBSTANTIALLY THE SAME AS THE APPROVED TENTATIVE MAP; THAT IT IS TECHNICALLY CORRECT AND CONFORMS WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE.

ROAD AND PUBLIC UTILITY EASEMENTS ARE HEREBY ACCEPTED. IRREVOCABLE OFFERS OF DEDICATION (IODS) FOR SUCH ROAD(S) WILL NOT BE COUNTY MAINTAINED UNLESS AND UNTIL IT HAS BEEN ACCEPTED INTO THE COUNTY MAINTAINED ROAD SYSTEM BY RESOLUTION OF THE BOARD OF SUPERVISORS. FURTHER, THE COUNTY SURVEYOR HEREBY REJECTS THE OFFERS OF DEDICATION TO THE COUNTY OF EL DORADO FOR OTHER EASEMENTS AS SHOWN ON THE MAP.

DATED October 30, 1997

*Daniel S. Russell*  
DANIEL S. RUSSELL L.S. 5017  
COUNTY SURVEYOR  
COUNTY OF EL DORADO  
LICENSE EXPIRATION DATE: 12/31/97

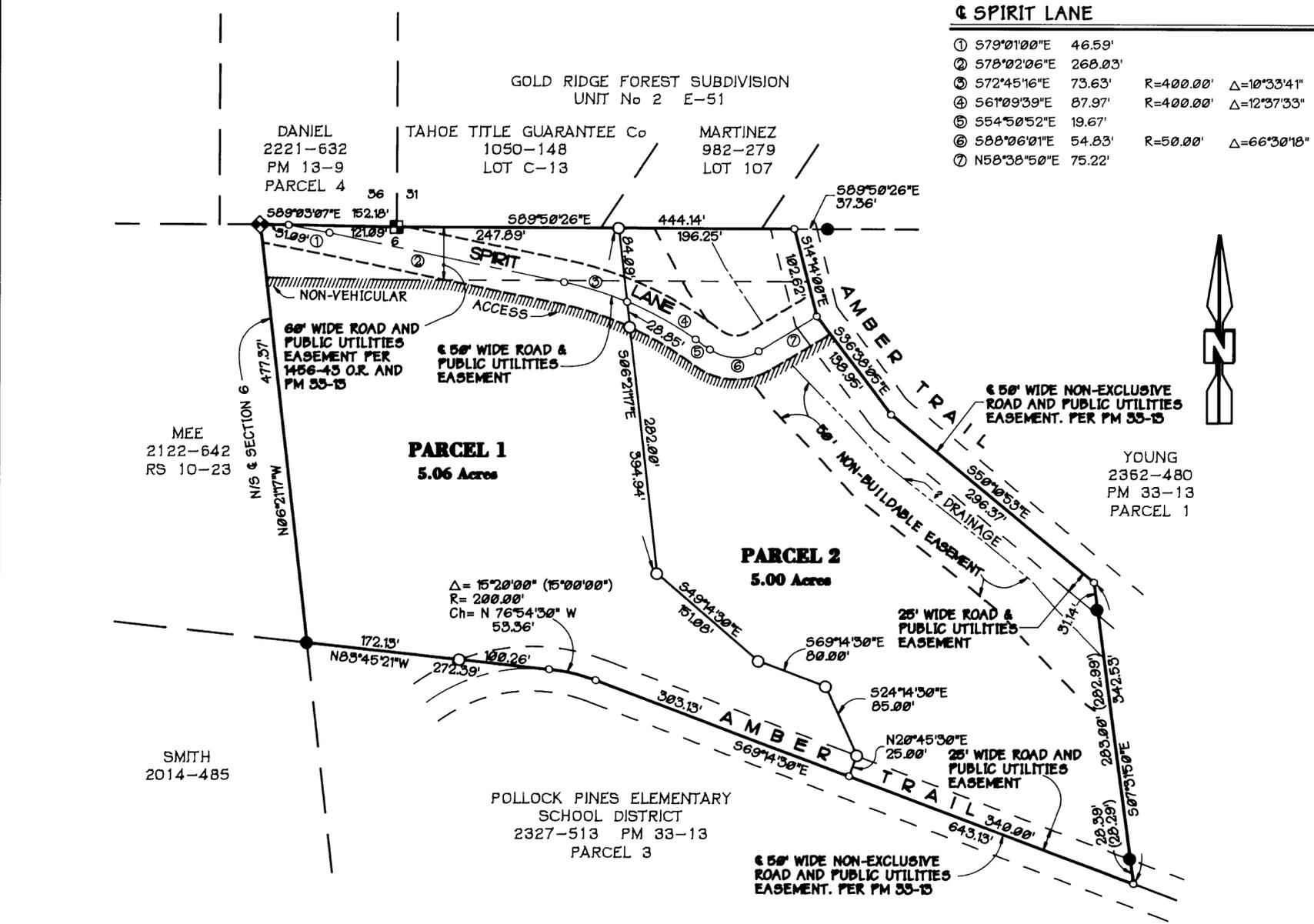


**COUNTY RECORDER'S CERTIFICATE**

I, WILLIAM E. SCHULTZ, HEREBY CERTIFY THAT Just American Site PARCEL MAP GUARANTEE NUMBER 973230076 WAS FILED WITH THIS OFFICE AND THAT THIS PARCEL MAP WAS ACCEPTED FOR RECORD AND FILED THIS 4th DAY OF November, 1997, AT 1:41 P.M. IN BOOK 46 OF PARCEL MAPS AT PAGE 79, AT THE REQUEST OF PIERRE E. BASHE

DOCUMENT NUMBER 55786

*William E. Schultz*  
WILLIAM E. SCHULTZ  
COUNTY RECORDER, CLERK  
COUNTY OF EL DORADO  
BY: *Linda Carver*  
DEPUTY



**6 SPIRIT LANE**

|   |             |         |           |             |
|---|-------------|---------|-----------|-------------|
| ① | 579°01'00"E | 46.59'  |           |             |
| ② | 578°02'06"E | 268.03' |           |             |
| ③ | 572°45'16"E | 73.63'  | R=400.00' | Δ=10°33'41" |
| ④ | 561°09'39"E | 87.97'  | R=400.00' | Δ=12°37'33" |
| ⑤ | 554°50'52"E | 19.67'  |           |             |
| ⑥ | 588°06'01"E | 54.83'  | R=50.00'  | Δ=66°30'18" |
| ⑦ | N58°38'50"E | 75.22'  |           |             |



Exhibit E

# Exhibit F

## FINDINGS AND CONDITIONS - P92-41

Parcel Map Hearing of July 1, 1993

### FINDINGS

#### Tentative Map:

1. The project is consistent with the Pleasant Valley/Oak Hill/Sly Park Area Plan and the policies of the Long Range Land Use Plan.
2. There is a reasonable probability that this project will be consistent with the proposed Reorganized Administrative Draft General Plan currently under consideration, supported by evidence in the record.
3. The proposed tentative map conforms with the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.
4. The site is physically suitable for the proposed type and density of development.
5. All impacts can be mitigated through conditions as proposed herein.
6. The proposed subdivision is not likely to cause substantial environmental damage.

#### Design Waivers:

1. There are special conditions or circumstances peculiar to the property proposed to be divided which would justify the adjustment or waiver. These are:

**Amber Trail already exceeds the County surfaced section (requires 24 feet; Amber Trail is 28 feet surfaced).**

2. Strict application of County design and improvement requirements would cause extraordinary and unnecessary hardship in developing the property:

**The cross slopes are steep along Spirit Lane, and the County standards would require that the road be widened and paved, with correspondingly widened cuts and fills, which would cause the removal of a number of large trees. The applicant has no legal access to Spirit Lane due to legal restrictions placed on the deed. Strict application of the design standard would be a hardship on the applicant, as it would be unnecessarily expensive, due to steep side slopes, and would create unnecessary environmental disturbance, again with no appreciable benefit.**

The subject site is only 2,200 feet at its northerly property boundary. Due to adverse terrain access to Amber Trail will be from the southerly portion of the property; approximately 3,200+ feet. Due to the terrain, Amber Trail cannot be looped and would impose undue hardship on the property owner. Amber Trail (28 feet in paved width; 4 feet in excess of County standards), which terminates in a cul-de-sac, serves the elementary school southerly of the subject property. The school is served by 55-60 school buses and other vehicular traffic on a daily basis.

3. The adjustment or waiver(s) would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public as conditioned.
4. This waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code, or any other ordinance applicable to the division.

#### CONDITIONS OF APPROVAL

##### Department of Transportation:

1. Subject to the payment of fees per Section 12.28.010, or 12.32, Road Improvement Fees of the County Ordinance unless amended by the Board of Supervisors and then the amended Ordinance will take precedence.
2. All improvements shall comply with "El Dorado County Minor Land Division Ordinance", "Design and Improvement Standards Manual", Section 4290 of the Public Resources Code and the Grading, Erosion and Sediment Control Ordinance.
3. An irrevocable offer of dedication of the 50-foot-wide road and public utility easement, including all slope easements, shall be shown on the parcel map.
4. The applicant is to participate in road improvements, up to a maximum of \$1,000.00, subject to approval of the Department of Transportation, to improve sight distance at the bend of Amber Trail immediately to the northeast of the project site. A letter of compliance of this condition shall be submitted to the Surveyor's Office prior to recording the final parcel map.

##### County Surveyor:

5. The applicant shall provide proof of access to the project site from a State- or County-maintained road together with the legal right to improve such access. Said proof shall be provided by and through a "Parcel Map Guarantee", which shall be submitted to the County Surveyor's Office with the first map check for the parcel map.

6. All grading and erosion control, including driveway construction, shall be in compliance with the requirements of Chapter 15.14 of the El Dorado County Code, Grading, Erosion and Sediment Control Ordinance. A letter of compliance from the local enforcement agency shall be submitted to the Surveyor's Office at the time of filing the parcel map.

**Environmental Management Department:**

7. Subject to Environmental Health approval as required in the Minor Land Division Ordinance.

**Fire District:**

8. Fire hydrant(s) shall be installed in compliance with the provisions of the U.F.C. Section 10.301 (c) in a location acceptable to the El Dorado Fire Protection District. A letter of compliance with the condition shall be submitted by the fire district to the Surveyor's Office at the time of filing the parcel map.

**El Dorado County Resource Conservation District:**

10. Prior to issuance of a grading permit, an erosion slope stabilization and revegetation plan shall be prepared for review and approval by the El Dorado County Resource Conservation District and the County Department of Transportation. Letters stating said approval by said agencies shall be submitted to the Surveyor's Office prior to filing the parcel map.

**Planning Department and Special Condition:**

11. The subdivision is subject to parkland dedication in-lieu fees. The fees shall be \$150 and shall be paid to the County Surveyor's Office for CSA 9, Zone of Benefit 18.
12. Payment of Fish and Game Fees in the amount of \$1,275 pursuant to Public Resources Code 21089 (AB 3158, January 1, 1991).
13. There shall be recorded with the final parcel map a 50-foot non-buildable easement, measured from the centerline of the drainage channel running parallel along Amber Trail.
14. Prior to recordation of the final map, the developer shall provide evidence of agreement with the Pollock Pines School District and El Dorado Union High School District for payment of such fees as may be established by said school district(s) in accordance with Government Code Section 65995-65997 and SB 1287; provided, however, if (1) prior to the recording of the final map, Assembly Constitutional Amendment 6 of the 1991-1992 Regular Session of the State Legislature fails to receive the approval of the majority of the voters voting on the measure, or; (2) the final map is recorded prior to the vote

on the measure and said measure fails, then the developer shall produce evidence of an agreement with said school district(s) to pay, for each building permit issued thereafter, the amount of \$7,198 per residential unit pursuant to Resolution 229-91, or such other fee amount established by the Board of Supervisors pursuant thereto or pursuant to any successor thereto.

15. Prior to filing of a final map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall do one of the following: (a) Pay the assessment or bond in full; or (b) File security with the Clerk of the Board of Supervisors, or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating that provisions have been made for the segregation of bond assessment responsibility pursuant to Government Code Section 66493(d).
16. Rezoning of the property to RE-5 shall be concluded prior to recordation of the parcel map.
17. A fuel modification plan, acceptable to the Fire District and the California Department of Forestry, shall be implemented. A letter of compliance with this condition shall be submitted by the fire district to the Surveyor's Office at the time of filing the parcel map.

# Exhibit G

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## Biological Resources Site Assessment Report

for

Assessor's Parcel Number 042-690-32

2945 Amber Trail

Pollock Pines, El Dorado County, CA

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Prepared by  
**Ruth A. Willson, Biologist**  
Site Consulting Inc., Biological Services  
3460 Angel Lane  
Placerville, California 95667  
(530) 622-7014

Prepared for  
**Snowline Construction & Design**  
5899 Sly Park Road  
Pollock Pines, CA 95726

Contact: Jim Mault  
[jim@snowlineconstruction.com](mailto:jim@snowlineconstruction.com)

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October 2018

# P-C19-0001

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### Appendices

- Appendix A.** U.S. Fish and Wildlife Service Official Species List
- Appendix B.** California Natural Diversity Database RareFind 5 Report of Special-Status Species Known to Occur in the Sly Park and Pollock Pines USGS Quads
- Appendix C.** U.S. Fish and Wildlife Service IPac Resource Report
- Appendix D.** Plant Species Found on the Project Site

## I. Report Summary

The project proponent is requesting a reduction to 25 feet on the westerly side of the existing 50-foot non-buildable drainage easement alongside Amber Trail, shown on Parcel Map 46-74 (Figures 1 and 3). The landowner wants to utilize an existing building pad to build a shop, which would encroach within the existing 50-foot non-buildable easement, but would fit within a 25-foot non-buildable easement.

The alternative setback would have no direct or indirect potential to cause an impact, conflict with, or disturbance to riparian vegetation, creeks or streams, wetlands or lakes, wildlife movements or migration corridors.

No state- or federal-listed special-status species were found on the project site, nor does it have suitable habitat for listed species. No species of concern were found on-site; however, the site offers suitable habitat for one species of concern, an insect: Cosumnes stripetail (*Cosumnoperla hypocreana*), and marginal habitat for five species of concern: Cassin's finch (*Carpodacus cassinii*), Olive-sided flycatcher (*Contopus cooperi*) Silver-haired bat (*Lasiorycteris noctivagans*), Fringed myotis bat (*Myotis thysanodes*) and Long-legged myotis bat (*M. volans*). In addition, portions of the natural channel of the ephemeral drainage qualify as a Sacramento-San Joaquin Foothill/Valley Ephemeral Stream.

## II. Introduction

### A. Purpose of Report

The property owner plans to have a shop built on an existing building pad southeasterly of an existing single-family residence, built in 2008. The 5.0-acre parcel has an ephemeral drainage that carries water northwesterly through the property to North Fork Weber Creek. The available space for building is limited by the drainage and the steep terrain. A reduction of the existing 50-foot wide drainage easement to 25 feet is requested.

A biological site assessment is required to reduce the setback from a drainage easement. The El Dorado County Site Assessment Form (Figure 4) asks the following question: Would the project, at the proposed alternative setback, directly or indirectly have the potential to cause any impact, conflict with, or disturbance to: a) Riparian vegetation; b) Creeks or streams; c) Wetlands or lakes; d) Movement of wildlife and/or any wildlife migration corridor; and e) Candidate, Listed or Special-Status plant or animal species? To answer the question, a field survey of the project site was performed September 21, 2018, and the findings are reported below.

### B. Property Location

The project site, APN 042-690-32, is located at 2945 Amber Trail, Pollock Pines. The 5.0-acre parcel is in the east half of Section 6, Township 10 North, Range 13 East, M.D.M., and occupies a northerly aspect at 3430-3760 feet (1045-1146 meters) elevation.

### C. Property Owner and Project Manager

#### Property Owner

Keith Silva  
2945 Amber Trail  
Pollock Pines, CA. 95726

#### Project Manager

Jim Mault  
Snowline Construction & Design  
5899 Sly Park Road  
Pollock Pines, CA 95726  
jim@snowlineconstruction.com

### D. Biologist's Qualifications

Ruth A. Willson, M.A., Biology, California State University, Fresno, has been preparing biological reports in El Dorado County since 1992. Her educational and experiential background includes proficiency in botany, entomology, ornithology, wildlife biology and ecology. She completed training in wetland delineation with Wetland Training Institute March 31, 2006, and is an ISA Certified Arborist, No. WE-8335A.



The ephemeral drainage alongside Amber Trail near the proposed construction project (left).

The ephemeral drainage downstream from the proposed construction project (right).



## SITE ASSESSMENT FORM

|  |   |           |
|--|---|-----------|
| <b>Project Biologist &amp; Contact Information:</b><br><i>(attach qualifications)</i>  | Ruth Willson, 530-622-7014, ruthwillson@comcast.net                             |           |
| <b>APN(s):</b>   | 042-690-32  |           |
| <b>Address:</b>  | 2945 Amber Trail, Pollock Pines, CA   |           |
| <b>General Plan Designation:</b>   | MDR   |           |
| <b>Zoning:</b>   | R3A   |           |
| <b>Project Description:</b><br><i>(attach site photos)</i>   | Construct a shop near an existing single-family residence on a 5.0-acre parcel. |           |
| <b>Alternative Setback Requested:</b>  | 25 feet on both sides of ephemeral channel.                                     |           |
| <b>Would the project, at the proposed alternative setback, directly or indirectly have the potential to cause any impact, conflict with, or disturbance to:</b>  | <b>YES</b>  | <b>NO</b> |
| a) Riparian Vegetation?  |   | No        |
| b) Creeks or Streams?  |   | No        |
| c) Wetlands or Lakes?  |   | No        |
| d) Movement of Wildlife and/or Any Wildlife Migration Corridor?  |   | No        |
| e) Any Candidate, Listed or Special Status Plant or Animal Species?  |   | No        |
| f) Are all applicable Best Management Practices incorporated into the project? <i>(attach BMPs)</i>  | See attached  |           |
| g) Was alternative setback request subject to prior County approval? (If yes, provide Tentative Map # and environmental documents)   | Yes   |           |
| <b>Conclusions:</b>  |   |           |
| The alternative setback would impact neither the drainage channel nor important biological resources.  |   |           |
| <i>I affirm that all of the information contained in this document is true and correct to the best of my knowledge and I acknowledge and agree that any material misinformation in this document can result in the denial or revocation of any permits or County approvals for this project.</i> |   |           |
| Biologist: <u>Ruth Willson</u>   | Date: <u>October 1, 2018</u>  |           |
| Applicant/Owner: _____   | Date: _____   |           |

Required Attachments: 1) Biologist Qualifications; 2) Site Photos; 3) Project BMPs

### III. Site Assessment

#### A. Riparian Vegetation

Riparian vegetation associated with the ephemeral drainage is limited to three species classified as Facultative Wetland (FACW)<sup>1</sup> plants: Mountain alder (*Alnus incana*), Rabbitfoot grass (*Polypogon monspeliensis*), and Red willow (*Salix laevigata*). Several alders were found immediately adjacent to the channel, rabbitfoot grass was found in the bottom of the channel and red willow was found downstream from the proposed building site. In addition, several Facultative Upland (FACU)<sup>2</sup> plants were found scattered upon the property. See Appendix D for the hydrophytic classification of all plant species found on the project site.

A 25-foot non-buildable setback easement on the west side of the ephemeral drainage would be sufficient to protect the riparian vegetation found on-site; thus the alternative setback would have no impact upon riparian vegetation.

#### B. Creeks or Streams

The unnamed ephemeral drainage channel that carries water northwesterly through the project site to North Fork Weber Creek appears to have been rerouted into a man-made ditch alongside Amber Trail in order to create the existing building pad, which was graded prior to 1993.<sup>3</sup> The original drainage, not shown on the Parcel Map, is found northwest of the existing house (photo below, at right) and no longer carries water from parcels upstream from the project site. The roadside ditch intersects the natural channel near Spirit Lane, near the project site's northerly boundary.



An alternative setback of 25-feet, marked by lath in the photo at left, would be sufficient to protect the drainage ditch. The alternative setback would have no impact on the unnamed ephemeral channel.

The photo at right shows the natural channel of the ephemeral drainage, located north of the existing house.



<sup>1</sup> FACW plants usually occur in wetlands but are occasionally found in non-wetlands (67-99% probability of occurrence in wetlands).

<sup>2</sup> FACU plants usually occur in non-wetlands, but occasionally found in wetlands (1-33% probability of occurrence in wetlands).

<sup>3</sup> Source: "U.S. Geological Survey." 38°44'56.70"N and 120°34'42.82"W. Google Earth. June 1993. Accessed September 26, 2018.

# Important Habitat for Migratory Deer



**Map Features**

- 4,000-foot contour - Pitkin Study Area
- County Designated Community Region
- County Designated Rural Center

**Migratory Deer Herds<sup>1</sup>**

- Quincy Herd
- Yuba Herd

**CDP Designated Range**

- Winter
- Critical Winter Range
- Summer
- Critical Summer<sup>2</sup>
- Fawning Area<sup>3</sup>
- Hiding Area<sup>4</sup>

**USFS Deer Emphasis Areas<sup>2</sup>**

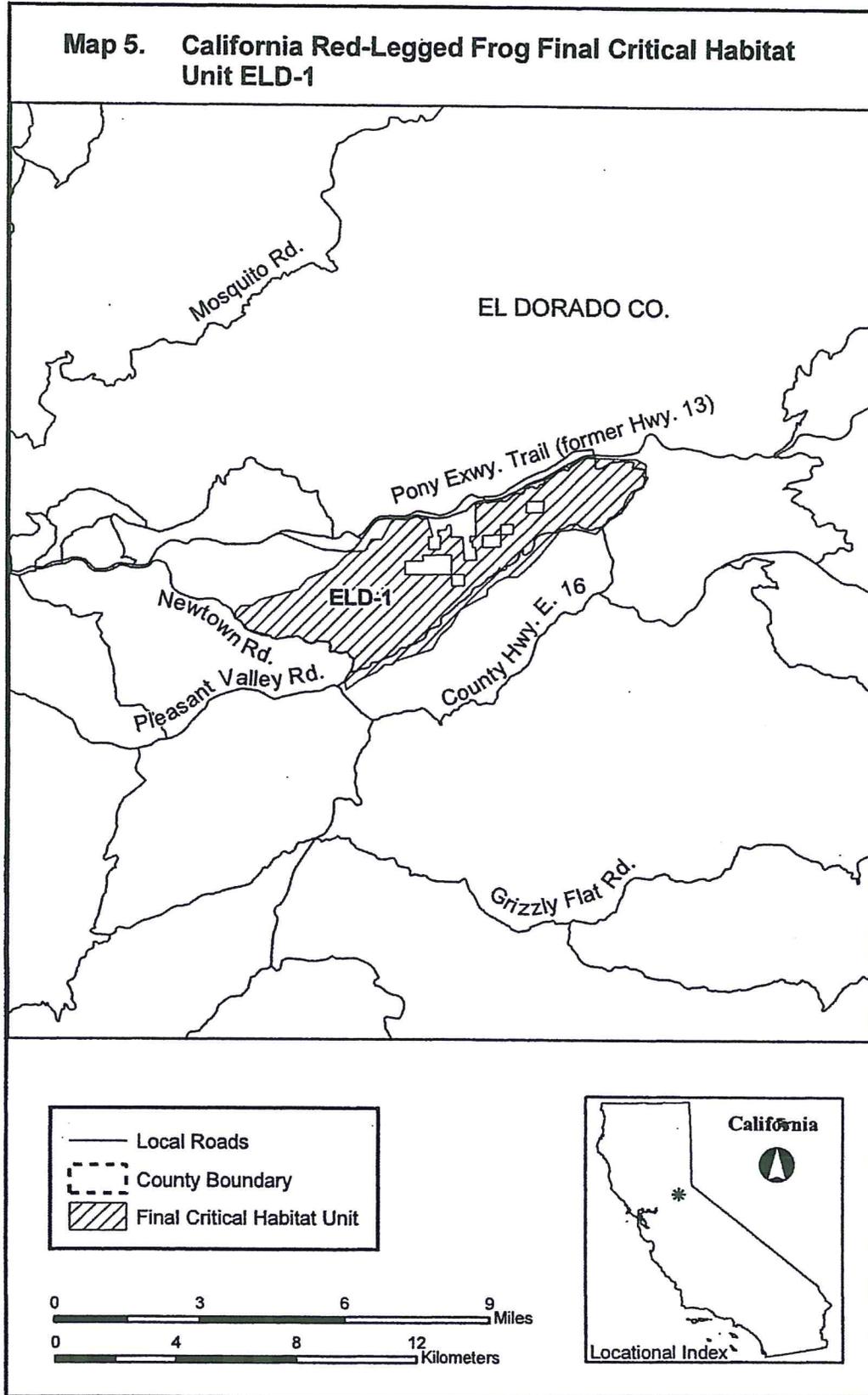
**Notes**

<sup>1</sup> Migratory Deer Herd data from California Department of Fish and Game  
<sup>2</sup> These areas are based on a survey for the year 2006-2013  
<sup>3</sup> Areas of high deer density for fawning  
<sup>4</sup> Areas of high deer density for hiding

**Administrative Draft**  
 May Prepared By: Ethan Bentley  
 Date: February 19, 2019

Scale: 0 1 2 3 Miles / 0 1 2 3 Kilometers

Source: USFS, County of Colusa, and Colusa County GIS



(10) Unit NAP-1: Napa County, California.

(i) From USGS 1:24,000 scale quadrangle Capell Valley. Land

bounded by the following UTM Zone 10, NAD83 coordinates (E,N):571668,

### C. Wetlands or Lakes

The downstream gradient of the drainage channel is too steep (16-17%) for the development of wetlands or lakes. The alternative setback would have no impact upon wetlands or lakes.

### D. Wildlife Movement or Migration Corridor

The property is near, if not within, a critical wintering range for deer (Figure 5); however, the site lies between Gold Ridge Forest Subdivision and Sierra Ridge Middle School, both of which may deter the area's use by wintering deer (local gardeners may dispute the latter statement). The addition of another building to an existing pad would be unlikely to affect either wintering deer or movement by other wildlife species. The alternative setback would have minimal, if any, impact upon wildlife movements or migration corridors.

### E. Candidate, Listed or Special-Status Species

#### 1. Candidate and Listed Species

A list of threatened and endangered species that may occur on the parcel was obtained from United States Fish and Wildlife Service (USFWS)(Appendix A), and a list of special-status species that have been found in the Sly Park and Pollock Pines USGS Quadrangles were obtained from California Natural Diversity Database (CNDDDB)(Appendix B). Two species listed as Threatened are on the USFWS list: California Red-legged Frog (CRLF) (*Rana draytonii*) and Delta Smelt (*Hypomesus transpacificus*). The project site also lies wholly or partially within Critical Habitat for CRLF (Figure 6). The CNDDDB list also includes one federal-listed Endangered and state-listed Threatened species, Sierra Nevada Yellow-legged Frog (*Rana sierrae*), and one state candidate for listing as Threatened, Foothill Yellow-legged Frog (*Rana boylei*).

The project site has no permanent streams, required by both Foothill Yellow-legged Frog and Delta Smelt, so cannot support those species. It is lower in elevation than the known range of Sierra Nevada Yellow-legged Frog, which is 4500-11,980 feet (1370-3650 meters).<sup>4</sup> The Sierra Nevada yellow-legged frog listed by California Natural Diversity Database as Occurrence No. 669, reported in 2004 near Mormon Immigrant Trail 3.5 miles east of Sly Park Dam at approximately 4000 feet elevation is noted to be, "lower in elevation than most detections and may be suspect."<sup>5</sup>

The suitability of the site's habitat for California Red-legged Frog is discussed below.

---

<sup>4</sup> S. Morey. 2008. Sierra Nevada yellow-legged frog. California Interagency Wildlife Task Group, California Wildlife Habitat Relationships System., California Department of Fish and Wildlife.

<sup>5</sup> California Natural Diversity Database (CNDDDB) Commercial (ds85). Calif. Dept. Of Fish and Wildlife. Biogeographic Information and Observation System (BIOS). Accessed September 28, 2018 from <https://map.dfg.ca.gov/bios/?al=ds85>

The U.S. Fish and Wildlife Service's Final Rule that Designates Critical Habitat for CRLF identifies the Primary Constituent Elements of CRLF habitat, including essential breeding, nonbreeding, upland and disbursal habitats.<sup>6</sup> "To be considered essential breeding habitat, the aquatic feature must have the capability to hold water for a minimum of 20 weeks in all but the driest of years. . . Nonbreeding aquatic habitat consists of those aquatic elements identified above, and also includes, but is not limited to, other wetland habitats such as intermittent creeks, seeps, and springs. . . Upland habitat that contains the features essential to the conservation of the subspecies consists of natural areas within 200 ft (60 m) of the edge of the riparian vegetation or dripline, or the edge of the watershed boundary, whichever is closer. . . Designated dispersal habitat consists of upland and riparian habitat contiguous with breeding and nonbreeding aquatic habitat, that is free of barriers, and, that connects two or more patches of aquatic breeding habitat within 0.7 mi (1.2 km) of one another."

The project site is located about 1.1 air miles from a known population of CRLF in North Fork Weber Creek at Spivey Pond. The ephemeral drainage passing through the project site carries water about 800 feet northwesterly from the site to North Fork Weber Creek, the confluence of the two being about 1.26 miles upstream from Spivey Pond. The ephemeral drainage does not hold water for 20 weeks, as required by CRLF, so does not offer breeding habitat for the species. The site also lacks both intermittent stream and wetland habitats suitable for non-breeding frogs, and its uplands are more than 200 feet from the edge of suitable riparian vegetation. The drainage does not connect two or more patches of aquatic breeding habitat within 0.7 mile of other breeding habitat.

In summary, the project site offers neither suitable nor marginal habitat for CRLF, nor for any other listed or candidate species; thus, the alternative setback would have no impact upon these resources.

## 2. Special-Status Species (ie. Species of Concern)

The USFWS IPac Resources report (Appendix C) mentions four bird species of concern: Cassin's finch (*Carpodacus cassinii*), Golden eagle (*Aquila chrysaetos*), Olive-sided flycatcher (*Contopus cooperi*) and Williamson's sapsucker (*Sphyrapicus thyroideus*). Of these, the project site offers marginal winter habitat for Cassin's finch and marginal breeding habitat for olive-sided flycatcher, but has neither suitable nor marginal habitat for the other two species.

The CNDDB lists 19 elements in the Sly Park and Pollock Pines Quads, including three frog species, five mammals, one reptile, one insect, seven plants and three sensitive habitats (see Appendix D for specific information). The frog species are discussed above, and of the remaining elements, the project site offers suitable habitat within the natural channel of the ephemeral drainage (but not within the diverted drainage ditch) for the insect, Cosumnes stripetail (*Cosumnoperla hypocrena*), and marginal habitat within the forest for silver-haired bat (*Lasionycteris noctivagans*), fringed myotis bat (*Myotis thysanodes*) and long-legged myotis bat (*M. volans*). In addition, the natural channel of the ephemeral drainage, downstream of its confluence with the roadside ditch, qualifies as a Sacramento-San Joaquin Foothill/Valley Ephemeral Stream, although the diversion ditch itself lacks the characteristics of such a stream. No species of concern were observed on-site, and no impact to species of concern would occur by approval of the proposed alternative setback.

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<sup>6</sup> USFWS. Designation of Critical Habitat for the California Red-Legged Frog. 50 CFR Part 17. Vol 71, Thursday, April 13, 2006. Pages 19261-19263.

## F. Plant Communities and Oak Resources

### 1. Sierran Mixed Conifer Vegetation

The vegetation community on the project site is classified as Sierran Mixed Conifer. The main components of the overstory are Douglas-fir (*Pseudotsuga menziesii* var. *menziesii*) and Incense cedar (*Calocedrus decurrens*). The overstory also contains White fir (*Abies concolor*), California black oak (*Quercus kelloggii*), Pacific madrone (*Arbutus menziesii*), Bigleaf maple (*Acer macrophyllum*) and Mountain dogwood (*Cornus nuttallii*) as minor components. The shrub layer consists of Deer brush (*Ceanothus integerrimus*), Mountain alder (*Alnus incana* ssp. *tenuifolia*), Western redbud (*Cercis occidentalis*) and juvenile plants of the overstory species. The herb layer consists of various grasses and forbs, including Bracken fern (*Pteridium aquilinum* var. *pubescens*), Blue wildrye (*Elymus glaucus*), Bristly dogtail grass (*Cynosurus echinatus*), Feverfew (*Tanacetum parthenium*), English plantain (*Plantago lanceolata*), Goose grass (*Galium aparine*), Sanicle (*Sanicula* sp.), and others. A list of plants found on the project site is presented in Appendix D.

### 2. Oak Resources

California black oak (*Quercus wislizeni*), the only oak species found on the project site, is a minor component of the overstory. No oaks would be removed for this project.

## IV. Proposed Setback

A setback of 25 feet on the west side of the centerline of the drainage channel is proposed (Figure 3, page 5). As discussed in Section III above, the proposed alternative setback would not impact any riparian vegetation, creeks or streams, wetlands or lakes, wildlife movements or special-status species.

## V. Permits

The U.S. Army Corps of Engineers (USACE) has jurisdiction over “Waters of the U.S.” (also called “jurisdictional waters”) under provisions of Section 404 of the Clean Water Act (1972). Such “jurisdictional waters” include waters used, or potentially used, for interstate commerce, interstate waters, lakes, rivers, streams, tributaries of streams, and wetlands adjacent to or tributary to the above. Irrigation and drainage ditches excavated on dry land, artificially-irrigated areas, man-made lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and water-filled depressions are usually exempted from USACE jurisdiction (33 CFR, Part 328).

California Department of Fish and Wildlife (CDFW) has jurisdiction over alterations to the beds of rivers, streams, creeks, or lakes. The Fish and Game Code (Section 1602) requires an entity to notify CDFW of any proposed activity that may substantially modify a river, stream, or lake. Alterations include activities that would: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

Disturbance of any potential jurisdictional features on this project could require one or more of the following permits:

- A Clean Water Act, Section 404 permit from the U.S. Army Corps of Engineers.
- A Water Quality Certification, Section 401, permit from the Regional Water Quality Control Board.
- A 1601-1603 Streambed Alteration Agreement from the California Department of Fish and Game.

## VI. References

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- United States Fish and Wildlife Service (USFWS). 2018. IPaC report. <http://ecos.fws.gov/ipac>
- USFWS. 2006. Designation of Critical Habitat for the California Red-Legged Frog. 50 CFR Part 17. Vol 71: 19261-19263.

**Appendix A.**

U.S. Fish and Wildlife Service Official Species List



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Sacramento Fish And Wildlife Office  
Federal Building  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825-1846  
Phone: (916) 414-6600 Fax: (916) 414-6713



In Reply Refer To:  
Consultation Code: 08ESMF00-2018-SLI-3283  
Event Code: 08ESMF00-2018-E-09894  
Project Name: Amber Trail Building Permit

September 24, 2018

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

[http://www.nwr.noaa.gov/protected\\_species/species\\_list/species\\_lists.html](http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html)

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Sacramento Fish And Wildlife Office**

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

(916) 414-6600

## Project Summary

Consultation Code: 08ESMF00-2018-SLI-3283

Event Code: 08ESMF00-2018-E-09894

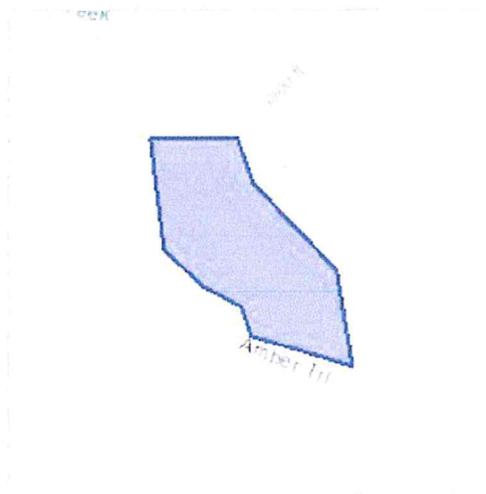
Project Name: Amber Trail Building Permit

Project Type: DEVELOPMENT

Project Description: Build a shop on an existing building pad next to an existing single-family residence.

### Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.749175986835475N120.57864793080955W>



Counties: El Dorado, CA

## Endangered Species Act Species

There is a total of 2 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Amphibians

| NAME  | STATUS     |
|---|------------|
| California Red-legged Frog <i>Rana draytonii</i><br>There is <b>final</b> critical habitat for this species. Your location overlaps the critical habitat.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/2891">https://ecos.fws.gov/ecp/species/2891</a> | Threatened |

## Fishes

| NAME   | STATUS     |
|--|------------|
| Delta Smelt <i>Hypomesus transpacificus</i><br>There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/321">https://ecos.fws.gov/ecp/species/321</a> | Threatened |

## Critical habitats

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

| NAME  | STATUS |
|---|--------|
| California Red-legged Frog <i>Rana draytonii</i><br><a href="https://ecos.fws.gov/ecp/species/2891#crithab">https://ecos.fws.gov/ecp/species/2891#crithab</a> | Final  |

**Appendix B.**

California Natural Diversity Database RareFind 5 Report  
Special-Status Species Occurrences  
Sly Park and Pollock Pines USGS Quads



Selected Elements by Element Code  
 California Department of Fish and Wildlife  
 California Natural Diversity Database



Query Criteria: Quad</span>(Sly Park (3812065)</span> OR </span>(Pollock Pines (3812075))

| Element Code | Species   | Federal Status | State Status         | Global Rank | State Rank | Rare Plant Rank/CDFW SSC or FP |
|--------------|---|----------------|----------------------|-------------|------------|--------------------------------|
| AAABH01022   | <i>Rana draytonii</i><br>California red-legged frog   | Threatened     | None                 | G2G3        | S2S3       | SSC                            |
| AAABH01050   | <i>Rana boylei</i><br>foothill yellow-legged frog   | None           | Candidate Threatened | G3          | S3         | SSC                            |
| AAABH01340   | <i>Rana sierrae</i><br>Sierra Nevada yellow-legged frog   | Endangered     | Threatened           | G1          | S1         | WL                             |
| AMACC01020   | <i>Myotis yumanensis</i><br>Yuma myotis   | None           | None                 | G5          | S4         |                                |
| AMACC01090   | <i>Myotis thysanodes</i><br>fringed myotis  | None           | None                 | G4          | S3         |                                |
| AMACC01110   | <i>Myotis volans</i><br>long-legged myotis  | None           | None                 | G5          | S3         |                                |
| AMACC02010   | <i>Lasionycteris noctivagans</i><br>silver-haired bat   | None           | None                 | G5          | S3S4       |                                |
| AMAF01013    | <i>Aplodontia rufa californica</i><br>Sierra Nevada mountain beaver   | None           | None                 | G5T3T4      | S2S3       | SSC                            |
| RAAD02030    | <i>Emys marmorata</i><br>western pond turtle  | None           | None                 | G3G4        | S3         | SSC                            |
| CARA2130CA   | <b>Sacramento-San Joaquin Foothill/Valley Ephemeral Stream</b><br>Sacramento-San Joaquin Foothill/Valley Ephemeral Stream | None           | None                 | GNR         | SNR        |                                |
| CARA2421CA   | <b>Central Valley Drainage Resident Rainbow Trout Stream</b><br>Central Valley Drainage Resident Rainbow Trout Stream     | None           | None                 | GNR         | SNR        |                                |
| CTT51110CA   | <i>Sphagnum Bog</i><br>Sphagnum Bog   | None           | None                 | G3          | S1.2       |                                |
| IIPLE23020   | <i>Cosumnoperla hypocrena</i><br>Cosumnes stripetail  | None           | None                 | G2          | S2         |                                |
| PDERI040V0   | <i>Arctostaphylos nissenana</i><br>Nissenan manzanita   | None           | None                 | G1          | S1         | 1B.2                           |
| PDHYD0C4D0   | <i>Phacelia stebbinsii</i><br>Stebbins' phacelia  | None           | None                 | G3          | S3         | 1B.2                           |
| PDPOR040E0   | <i>Lewisia serrata</i><br>saw-toothed lewisia   | None           | None                 | G2          | S2         | 1B.1                           |
| PMCYP03M00   | <i>Carex cyrtostachya</i><br>Sierra arching sedge   | None           | None                 | G2          | S2         | 1B.2                           |
| PMCYP0N080   | <i>Rhynchospora capitellata</i><br>brownish beaked-rush   | None           | None                 | G5          | S1         | 2B.2                           |
| MLI0D095     | <i>Calochortus clavatus var. avius</i><br>Pleasant Valley mariposa-lily   | None           | None                 | G4T2        | S2         | 1B.2                           |



**Selected Elements by Element Code**  
**California Department of Fish and Wildlife**  
**California Natural Diversity Database**



| Element Code | Species   | Federal Status | State Status | Global Rank | State Rank | Rare Plant Rank/CDFW SSC or FP |
|--------------|---|----------------|--------------|-------------|------------|--------------------------------|
| PMLIL0G020   | <i>Chlorogalum grandiflorum</i><br>Red Hills soaproot | None           | None         | G3          | S3         | 1B.2                           |

Record Count: 20

## Appendix C

### U.S. Fish and Wildlife Service IPac Resource Report

**Appendix D.**  
Plant Species Found on the Project Site

Plant Species Found on the Project Site  
Hydrophytic classification of each species is noted in red. Plants without designations are upland plants.

**Apiaceae**

*Daucus carota* L., **Queen Anne's lace** FACU  
*Sanicula* sp., **Sanicle**

**Asteraceae**

*Erigeron canadensis* L., **Horseweed** FACU  
*Cirsium vulgare* (Savi.) Ten., **Bull thistle** FACU  
*Lactuca serriola* L., **Prickly lettuce** FACU  
*Leucanthemum maximum* (Ramond) DC., **Shasta daisy**  
*Leucanthemum vulgare* Lam., **Ox-eye daisy** FACU  
*Madia exigua* (Sm.) A.Gray, **Small tarweed**  
*Tanacetum parthenium* (.) Sch. Bip., **Feverfew**

**Betulaceae**

*Alnus incana* (L.) Moench ssp. *tenuifolia* (Nutt.)  
Breitung, **Mountain Alder** FACW

**Brassicaceae**

*Brassica nigra* (L.) W.D.J. Koch, **Black mustard**

**Chenopodiaceae**

*Dysphania botrys* (L.) Mosyakin & Clemants,  
**Jerusalem-oak goosefoot** FACU

**Cornaceae**

*Cornus nuttallii* Audubon, **Mountain dogwood** FACU

**Cupressaceae**

*Calocedrus decurrens* (Torr.) Florin, **Incense-cedar**

**Dennstaedtiaceae**

*Pteridium aquilinum* (L.) Kuhn var. *pubescens* Underw.  
**Bracken fern** FACU

**Ericaceae**

*Arbutus menziesii* Pursh., **Pacific madrone**

**Euphorbiaceae**

*Croton setiger* Hook., **Doveweed, turkey-mullein**  
*Euphorbia maculata* L., **Spotted spurge**

**Fabaceae**

*Acmispon americanus* (Nutt.) Rydb. var. *americanus*,  
**Spanish lotus** FACU  
*Cercis occidentalis* Torr. ex A. Gray, **Western redbud**  
*Melilotus indicus* (L.) All, **Sourclover** FACU

**Fagaceae**

*Quercus kelloggii* Newb., **California black oak**

**Grossulariaceae**

*Ribes roezlii* Regel var. *roezlii*, **Gooseberry**

**Hypericaceae**

*Hypericum perforatum* L. ssp. *perforatum*,  
**Klamathweed**

**Myrsinaceae**

*Lysimachia latifolia* (ook.) Cholewa, **Pacific starflower**

**Onagraceae**

*Epilobium brachycarpum* C. Presl., **Willow herb,**  
**Annual fireweed**

**Pinaceae**

*Abies concolor* (Gordon & Glend.) Lindl. ex Hildebr.  
**White fir**  
*Pseudotsuga menziesii* (Mirb.) Franco var. *menziesii*  
**Douglas-fir** FACU

**Plantaginaceae**

*Plantago lanceolata* L., **English plantain** FACU

**Poaceae**

*Cynosurus echinatus* L., **Bristly dogtail grass**  
*Elymus glaucus* Buckley, **Blue wild rye** FACU  
*Polypogon monspeliensis* (L.) Desf., **Rabbitfoot grass**  
FACW

**Polygonaceae**

*Rumex acetosella* L., **Sheep sorrel** FACU

**Rhamnaceae**

*Ceanothus integerrimus* Hook. & Arn., **Deer brush**

**Rosaceae**

*Fragaria vesca* L., **Wood strawberry** FACU  
*Potentilla* sp.  
*Rubus parviflorus* Nutt., **Thimbleberry** FACU  
*Rubus ursinus* **California blackberry** FACU

**Rubiaceae**

*Galium aparine* L., **Goose grass**

**Salicaceae**

*Salix laevigata* Bebb., **Red willow** FACW

**Sapindaceae**

*Acer macrophyllum* Pursh, **Bigleaf maple** FACU

**Scrophulariaceae**

*Verbascum thapsus* L., **Woolly mullein** FACU